

CHAPTER 166A

° 15. Regulation of Rates; Hearings; Notice; Rules and Regulations; Appeals.

For a period of three years from the effective date of this chapter, the division shall study the necessity and rate regulation, and thereafter it may, upon its own motion or upon request of any issuing authority or license hearing and investigation, fix and establish, for each community antenna television system in the commonwealth, a reasonable rate of return from subscription rates charged to subscribers, said rates to be adequate, just, reasonable and non-discriminatory. Notwithstanding any other provision of this paragraph, the division may, after due hearing and investigation, suspend regulation of rates and charges in any cable television system upon a finding that adequate competitive alternatives exist to the provision of services offered by cable television systems. In the event of suspension, the division shall, by oversight and surveillance, review periodically any facts or standards employed in determining the presence of said competition.

The division shall cause notice of the time and place of every such hearing to be published in at least one newspaper of general circulation in the municipality or service area affected. Such notice and schedule shall be in such form as the division may deem expedient.

The division may make, and, at any time, alter or amend, reasonable rules and regulations to facilitate the operation of this section and enforce the application of the rates fixed and established by them, may conduct hearings and investigations under this section, and may at any time require any company to file with them such data, statistics, schedules and other information as they may deem proper or necessary to enable them to fix and establish or secure and maintain reasonable rates. They may issue such orders as they find proper, expedient or necessary to enforce and administer the provisions of this section, to secure compliance with any rules or regulations made thereunder, and to enforce the rates fixed and established by them. The superior court for the county of Suffolk shall have jurisdiction to review the petition of the division and after a summary hearing, to enforce all lawful orders of the division. Memoranda, actions, orders, findings, and decisions of the division shall be signed by them and filed in their office as put open to public inspection.

Any person or company aggrieved by any action, order, finding, or decision of the division under this section may, within forty-five days from the filing of such memorandum thereof with the division, file a petition in the superior court for the county of Suffolk for a review of such action, order, finding, or decision. An order of notice returnable not later than ten days from the filing of such petition shall forthwith issue and be served upon the division. Within ten days of said order of notice, the petition shall be assigned for a speedy and summary hearing on the merits. The action, order, finding, or decision of the division shall remain in full force and effect pending the final decision of the court. The court or a justice thereof, after notice to the division, shall otherwise order. The court shall have jurisdiction to modify, amend, annul, reverse, or affirm such action, order, finding, or decision, shall review all questions of law involved therein and may make any appropriate order or decree. The decision of the court shall be final and binding on the parties. The court may make such order as to costs as it deems equitable. The court shall make such orders as it deems proper to secure prompt and speedy hearings and to expedite final decisions thereon.